

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TEXAS INTERNATIONAL PROPERTY §
ASSOCIATES, §
§
Plaintiffs, §
§
v. § Civil Action No. 3:07-CV-2099-K
§
HOERBIGER HOLDING AG, §
§
Defendant/Counterclaimant, §
§
v. §
§
DAUBEN, INC. D/B/A TEXAS §
INTERNATIONAL PROPERTY §
ASSOCIATES AND JOEY DAUBEN §
A/K/A JOSEPH G. DAUBEN, §
§
Counterclaim Defendants. §

FINAL JUDGMENT AND PERMANENT INJUNCTION

____ Pursuant to the court's Order entered concurrently herewith, and its Memorandum Opinion and Order entered May 12, 2009, the court issues this Final Judgment and Permanent Injunction as follows. It is hereby ORDERED, ADJUDGED AND DECREED that:

1) Counter-Plaintiff and Third-Party Plaintiff Hoerbiger Holding AG ("Hoerbiger") is awarded statutory damages in the amount of \$100,000 against Counter-Defendant Dauben, Inc. d/b/a Texas International Property Associates ("TIPA")

and Third-Party Defendant Joey Dauben a/k/a Joseph G. Dauben ("Dauben").

- 2) Hoerbiger is awarded costs of court against TIPA and Dauben.
- 3) TIPA and Dauben and their officers, directors, agents, servants, employees, representatives, attorneys, successors-in-interest, parent companies, affiliated companies, subsidiary companies, and any and all persons in active concert or participation with them, directly or indirectly, are ordered to relinquish all rights, title, and interest in the domain name www.horbiger.com and all domain names under their control which are confusingly similar to registered marks of Hoerbiger or any Hoerbiger subsidiary. Such domain names shall be transferred to Hoerbiger within 30 days of the entry of this judgment.
- 4) TIPA and Dauben and their officers, directors, agents, servants, employees, representatives, attorneys, successors-in-interest, parent companies, affiliated companies, subsidiary companies, and any and all persons in active concert or participation with them, directly or indirectly, are PERMANENTLY ENJOINED from:
 - a. Registering, using, or trafficking in any domain names that are misspelled variations of or identical or confusingly similar to a registered mark of Hoerbiger and/or any Hoerbiger subsidiary.
 - b. Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities in paragraph 4(a) above.

The court retains jurisdiction of this case to enforce the permanent injunction.

- 5) Hoerbiger is awarded reasonable attorney fees against TIPA and Dauben and shall submit its claim for the amount of attorney fees sought by September 21, 2009.
- 6) The statutory damages award will carry post-judgment interest in the amount of .44% per annum.

Signed September 1st , 2009.


Ed Kinkeade
ED KINKEADE
UNITED STATES DISTRICT JUDGE